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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,410	09/30/2003	Jeyhan Karaoguz	14543US02	6495
23446 7590 10/31/2007 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER MENDOZA JR, JORGE	
			ART UNIT 4126	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/675,410	KARAOGUZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jorge Mendoza	4126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09/30/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims **1-25** are presented for Examination.

#### ***Priority***

2. A reference to the prior application No. 60/482,478, filed on June 25, 2003; application No. 60/432,472, filed on December 11, 2002; and application No. 60/443,894, filed on January 30, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for benefit of relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

#### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated references (Application No. 60/461,717; Application No. 60/448,705; Application No. 60/457,179; Attorney Docket No. 14185US02; and Attorney Docket No. 14274US02) are disclosed in paragraph [02], incorporated reference (Application No. 60/448,705) is disclosed in paragraph [37], incorporated reference (Application No. 60/443,894) is disclosed in

paragraph [50], incorporated reference (Application No. 60/461,717) is disclosed in paragraph [51], and incorporated reference (Application No. 60/448,705) is disclosed in paragraph [52] of the specification.

### ***Specification***

4. The disclosure is objected to because of the following informalities: Information provided in paragraph [02] is incomplete. US Patent Application numbers are missing in the Incorporated by Reference section. Appropriate correction is required.

### ***Drawings***

5. The drawings are objected to because figure letter 'C' of Figure 5 is labeling an incorrect location as mention in the specification. According to paragraph [76] of the specification, step 'C' should be labeling where 'the first party 501 accesses the third-party channel 504 using a media guide user interface 502 on a PC 503'. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-3, 5-23, & 25** rejected under 35 U.S.C. 103(a) as being unpatentable over **Berezowski et al. (US 2002/0016971 A1)** in view of **Beavers et al. (US 2004/0003040)**.

With respect to **Claim 1**, the claimed "a first television display, at a first home, to support the consumption of media; at least one first media peripheral, at the first home, for the production of media; a first storage, at the first home, for storing media, the first storage communicatively coupled to the first television display; a first set top box circuitry, at the first home, communicatively coupling the first television display and the at least one media peripheral to the communication network," is met by Berezowski et al. that teach user television equipment **130** at a first location, consisting of an output

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device **146** (such as a television) for the displaying of video, audio/video equipment **150** (such as a video camera), a storage device **144** coupled to the output device, a set top box **142** coupling the output device and the storage device to a communication network **190** (Fig.1 and paragraphs [48, 49, 50, & 53]).

The claimed "the first set top box circuitry having an associated first network address" is not explicitly disclosed by the Berezowski et al. reference. However, the Examiner takes Official Notice that it is notoriously well known in the art the use of network addresses for set top boxes in order to distinguish them on a communication network. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to use a network address with a set top box on a communication network for the advantages given above.

The claimed "a user interface, at the first home, having at least one view comprising a representation of at least one user defined media channel for the exchange of media" is met by Berezowski et al. that teach guidance application equipment **170** that can provide a user interface of real-time video and audio information (Figure 1 and paragraphs [58 & 59]).

The claimed "a second television display, at a second home, to support the consumption of media; a second set top box circuitry, at the second home, communicatively coupling the second television display to the communication network," is met by Berezowski et al. that teach the use of a 2<sup>nd</sup> user television equipment **130** at a location different than the 1<sup>st</sup>, this location having the same components of the 1<sup>st</sup> location, namely an output device **146** (such as a television) for the displaying of video,

a set top box **142** coupling the output device to a communication network **190** (Figure 1&2 and paragraphs [12, 48-50, 60, & 127]).

The claimed "the second set top box circuitry having an associated second network address" is met for the same reasons given for associating a first set top box with a network address as discussed above.

The claimed "server software that receives a request identifying one of the first and second associated network addresses, and that responds by identifying the other of the associated first and second network addresses to support exchange of the media from the at least one first media peripheral to the second television display for consumption in a real time manner" is not explicitly taught by the Berezowski et al. reference. However, the Beavers et al. reference teaches a system in which a first user (Conferencee A - **200a**), sends audio/video data **202a**, including data identifying the first user, to a network **204** which responds by identifying a second user (Conferencee B - **200b**) to whom it sends audio/video data **206a** (Fig.2 and paragraph [0045 & 0046]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the exchange of media as taught by the Beavers et al. reference with the video recording system of the Berezowski et al. reference in order to provide a real-time manner of video exchange between two users. A person of ordinary skill in the art would have been motivated to make such a modification to the Berezowski et al. reference in order to allow the transfer of the video and/or audio data from the user television equipment **130** at distinct locations on a concurrent basis.

With respect to **Claim 2**, the claimed “wherein the media comprises at least one of audio, a still image, video, and data” is met by Berezowski et al. that teach the system of claim 1 wherein the media can be audio and/ or video (paragraph [50]).

With respect to **Claim 3**, the claimed “wherein consumption comprises at least one of playing digitized audio, displaying a still image, displaying video, and displaying data” is met by Berezowski et al. that teach the use of an output device **146** in displaying video (paragraph [50]).

With respect to **Claim 5**, the claimed “wherein the communication network comprises at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure” is met by Berezowski et al. that teach a communication network such as the Internet (Fig.1; & paragraphs [12, 49, & 61]).

With respect to **Claim 6**, the claimed “wherein the communication network is the Internet” is met as previously discussed in claim 5 above.

With respect to **Claim 7**, the claimed “wherein the at least one first media peripheral comprises at least one of a digital camera, a digital camcorder, a video camera, a television, a personal computer, a CD player, a home juke-box, a multi-media gateway device, a multi-media personal digital assistant, a DVD player, a tape player, a microphone, and a MP3 player” is met by Berezowski et al. that teach the use of a video camera **152** in user television equipment **130** (Fig.1 and paragraphs [42 & 53]).



With respect to **Claim 8**, the claimed “at least one second media peripheral, at the second home, for the production of media” is met by Berezowski et al. that teach the use of a 2<sup>nd</sup> user television equipment **130**, including a video camera **152**, at a second location different from the 1<sup>st</sup> (Fig.1&2, and paragraphs [0053, 0060, & 127]). The claimed “server software that receives a request identifying one of the first and second associated network addresses, and that responds by identifying the other of the associated first and second network addresses to support exchange of the media from the at least one second media peripheral to the first television display for consumption in a real time manner” is not explicitly taught by the Berezowski et al. reference. However, the Beavers et al. reference teaches a system in which a 2<sup>nd</sup> user (Conferencee B, **200b**), sends audio/video data **202b**, including data identifying the 2<sup>nd</sup> user, to a network **204** which responds by identifying a 1<sup>st</sup> user (Conferencee A, **200a**) to whom it sends audio/video data **206b** (Fig.2 and paragraph [0045 & 0046]).

With respect to **Claim 9**, the claimed “wherein the at least one second media peripheral comprises at least one of a digital camera, a digital camcorder, a video camera, a television, a personal computer, a CD player, a home juke-box, a multi-media gateway device, a multi-media personal digital assistant, a DVD player, a tape player, a microphone, and an MP3 player” is met by Berezowski et al. that teach the use of a video camera **152** in user television equipment **130** at a 2<sup>nd</sup> location. (Figures 1 & 2 and paragraphs [12 & 61]).

With respect to **Claim 10**, the claimed “wherein the exchange of the media from the at least one first media peripheral to the second television display, and the

exchange of the media from the at least one second media peripheral to the first television display occur concurrently” is met by Beavers et al. that teach a system in which any number of subscribers to a conference, conferencees, are able to receive audio and/or video data from one another in a concurrent manner (paragraph 0009).

With respect to **Claim 11**, the claimed “at least one sensor for detecting a condition, at the first home; and the detection of the condition causing the initiation of a request to exchange media with the second home” is met by Berezowski et al. that teach the use of sensors in enabling audio and/or video equipment 150 to begin recording and then having the ability to transfer such information to a 2<sup>nd</sup> location (paragraph 56 & 61).

With respect to **Claim 12**, the claimed “wherein the at least one sensor comprises at least one of a door bell button, a passive infrared (PIR) motion detector, a microwave motion detector, a swimming pool water disturbance detector, a smoke detector, a fire detector, or other sensor suitable for the detection of conditions about a home” is met by Berezowski et al. that teach the use of sensors 158 such as ‘motion sensors, audio sensors, light sensors, lights-on sensors, door or window open sensors, heat sensors, smoke sensors, carbon monoxide sensors, and weight sensors’ (paragraph 56).

**Claim 13** is met as previously discussed with respect to claim 1.

**Claim 14** is met as previously discussed with respect to claim 2.

**Claim 15** is met as previously discussed with respect to claim 5.

**Claim 16** is met as previously discussed with respect to claim 7.

**Claim 17** is met as previously discussed with respect to claim 3.

**Claim 18** is met as previously discussed with respect to claim 11.

**Claim 19** is met as previously discussed with respect to claim 12.

**Claim 20** is met as previously discussed with respect to claim 1. The claimed "authenticating the first location to the second location, receiving an acceptance from the second location" is met by Berezowski et al. that teach verification, such as a password, by a 2<sup>nd</sup> user receiving video data from a 1<sup>st</sup> user (paragraphs 0010 & 0131 and Fig.22).

**Claim 21** is met as previously discussed with respect to claim 2.

**Claim 22** is met as previously discussed with respect to claim 5.

**Claim 23** is met as previously discussed with respect to claim 1.

**Claim 25** is met as previously discussed with respect to claim 10.

8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Berezowski et al. (US PG Pub 2002/0016971)** in view of **Beavers et al. (US 2004/0003040)** as applied to claim 1 above, and further in view of **Allen (US Patent 7,003,795)**.

With respect to **Claim 4**, the Berezowski et al. and Beavers et al. teach the system of claim 1, but do not explicitly disclose claimed "wherein the associated first and second network addresses are one of an Internet protocol (IP) address, a media

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access control (MAC) address, and an electronic serial number (ESN)". However, the Allen reference teaches a system in which two set top boxes establish a two-way video communication, each set top box being identified by having an IP address or a MAC address (Abstract; Fig.1; col.2, lines 57-61; & col.4, lines 62-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Allen with those of Berezowski in view of Beavers et al. in order to provide a manner in which set top boxes could be properly identified on a communication network. A person with ordinary skill in the art would have been motivated to make the modification to Berezowski et al. in view of Beavers et al. in order to allow for video data to be accurately transferred among set top boxes, and thereby allow for a more efficient method of video transfer since data could be directed to particular set top boxes.

9. **Claim 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Berezowski et al. (US PG Pub 2002/0016971)** in view of **Beavers et al. (US 2004/0003040)** as applied to claim 1 above, and further in view of **Fryer (US Patent 6,233,428)**.

With respect to **Claim 24**, the Berezowski et al. and Beavers et al. references teach the system of claim 1, but do not explicitly disclose the claimed "wherein the authenticating uses a digital certificate". However, the Fryer reference teaches the authentication of a first user to a second user, on a video transfer system between two users, via the use of a digital certificate (col.3, lines 61-65; col.8, lines 28-37; and Fig.2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Fryer with those of Berezowski et al. in view of Beavers et al. in order to provide a secure manner in which video data can be transferred from a 1<sup>st</sup> user to a 2<sup>nd</sup> user. A person with ordinary skill in the art would have been motivated to make the modification to Berezowski et al. in view of Beavers et al. in order to safeguard video data being transferred among two users.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Prindle (US PG Pub 2003/0232648)** teaches a system in which video game consoles are used for videoconferencing and as a peer-to-peer videophone.

**Allen (US Patent 6,489,986)** teaches an interactive television system in which video data captured from a remote control can be transmitted via set top boxes on a communications network.

**Murphy et al. (US PG Pub 2004/0250285)** teaches a two-way communication system among set-top boxes using text, audio, and/or video messages.

**Parker et al. (US PG Pub 2004/0125789)** teaches a system in which a video communication link is established between a requester and a service provider upon a signaling device being used.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 8660217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J.M.J.

October 24, 2007

  
DENNIS DOON CHOW  
SUPERVISORY PATENT EXAMINER